

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03-12235-RGS

THOMAS WETMORE by and through his mother
and next best friend, JAMIE WETMORE and
JAMIE WETMORE and JOHN WETMORE, Individually

v.

MEDICAL LIABILITY MUTUAL INSURANCE COMPANY

ORDER ON DEFENDANT'S MOTION TO DISMISS

January 14, 2004

STEARNS, D.J.

The motion will be ALLOWED for the reasons urged by the defendant, principally because of the settled rule that litigation over bad faith settlement practices on the part of a liability insurer must await the resolution of the underlying tort action. While plaintiff's failure to oppose the motion is not dispositive, Vega-Encarnacion v. Babilonia, 344 F.3d 37, 41 (1st Cir. 2003), I do not envision any effective opposition that could have been made. The clerk will therefore dismiss the case without prejudice.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

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